

Receipt

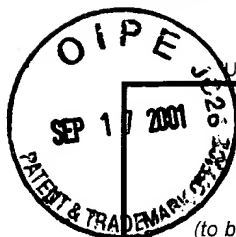
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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                                                 |                             |                               |             |
|-------------------------------------------------|-----------------------------|-------------------------------|-------------|
| <b>Application Number</b>                       | 09/885,750                  |                               |             |
|                                                 | <b>Filing Date</b>          | Jun 19, 2001                  |             |
|                                                 | <b>First Named Inventor</b> | Hankins, Scott A.             |             |
|                                                 | <b>Group Art Unit</b>       | 2151                          |             |
|                                                 | <b>Examiner Name</b>        | Unassigned                    |             |
| <b>Total Number of Pages in This Submission</b> | 11                          | <b>Attorney Docket Number</b> | 011.0215.01 |

## ENCLOSURES (check all that apply)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Petition Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition for Corrected Filing Date and Corrected Filing Receipt<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Copy of Filing Receipt w/Date and Other Errors Marked<br>Copy of Application Postcard<br>Copy of Application Express Mail label<br>Copy of Application Transmittal Letter<br>Copy of USPS Express Mail Tracking Log<br>Copy of Application Filing Fee Check Postcard |
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                                |                                    |
|--------------------------------|------------------------------------|
| <b>Firm or Individual name</b> | Law Offices of Patrick J.S. Inouye |
| <b>Signature</b>               |                                    |
| <b>Date</b>                    | 9/6/01                             |

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| <b>Signature</b>                                                                                                                                                                                                                                  |                | <b>Date</b> | 9/6/01 |

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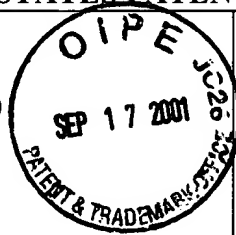
Applicant(s): Hankins et al.

Application No.: 09/885,750

Filed: June 19, 2001

Title: System And Method For Dynamically  
Controlling A Rogue Application  
Through Incremental Bandwidth  
Restrictions

Attorney Docket No.: 011.0215.01



Group Art Unit: 2151

Examiner: Unassigned

**PETITION TO CORRECT FILING DATE AND FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.10, please correct the filing date of the above-identified U.S. patent application to **June 19, 2001**. The Filing Receipt mailed on August 13, 2001, incorrectly shows a filing date of June 16, 2001.

The following documents are submitted in support of a June 19, 2001 filing date:

- (1) Copy of Express Mail Label No. EL793271872US, with correct date-stamp highlighted;
- (2) Copy of Return Receipt Postcard, showing "Date Mailed: June 19, 2001," as indicated in red;
- (3) Express Mail Tracking and Delivery record, printed from the official U.S. Postal Service Web Site, showing package acceptance on June 19, 2001, in Seattle, Washington;
- (4) Copy of Utility Patent Application Transmittal with the certificate of mailing certifying deposit with the U.S. Postal Service on June 19, 2001.

This Petition is necessitated by an error on the part of both the U.S. Postal Service and the U.S. Patent and Trademark Office (USPTO).

In filling out the information on the Express Mail label, the postal worker erroneously wrote "6 16 01." This handwritten date was the date entered by the USPTO when processing the application. However, the correct filing date of June 19, 2001, can be found on the official U.S. Postal Service date-stamp (enclosed), as well as on the other documents submitted in support of

this Petition.

The Filing Receipt contained a number of errors besides the erroneous filing date. Enclosed is a copy of the official Filing Receipt for the above-identified patent application, which has been marked in red ink to identify the corrections needed. Copies of the Patent Application Transmittal Sheet and filing fee payment check, verifying the correct information, are also enclosed. The corrections are as follows:

Under Fil Fee Rec'd, replace "1114" with --1600--.

Under Tot Claims, replace "38" with --50--.

No petition fee is enclosed, as the requested corrections are due to USPTO error.

Respectfully submitted,

Dated:

*Sept. 6, 2001*

By:



Patrick J.S. Inouye, Esq., Reg. No. 40,297

The Law Offices of Patrick J.S. Inouye  
810 Third Avenue, Suite 258  
Seattle, WA 98104  
Telephone: (206) 381-3900  
Facsimile: (206) 381-3999

Pet to Corr Filing Date



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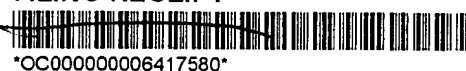
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| APPLICATION NUMBER | FILING DATE              | GRP ART UNIT | FIL FEE REC'D           | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS          | IND CLAIMS |
|--------------------|--------------------------|--------------|-------------------------|-----------------|----------|---------------------|------------|
| 09/885,750         | 06/16/2001<br>06/19/2001 | 2151         | <del>1114</del><br>1600 | 011.0215.01     | 11       | <del>38</del><br>50 | 4          |

CONFIRMATION NO. 4021

 Law Offices of Patrick J.S. Inouye  
 810 Third Avenue Suite 258  
 Seattle, WA 98104


## FILING RECEIPT



\*OC000000006417580\*

Date Mailed: 08/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

 Scott A. Hankins, Cupertino, CA;  
 Brett A. Galloway, Los Altos, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 08/13/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

## Title

 System and method for dynamically controlling a rogue application through incremental  
 bandwidth restrictions

Preliminary Class

709

Data entry by : PHAM, TRUONG

Team : OIPE

Date: 08/13/2001



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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

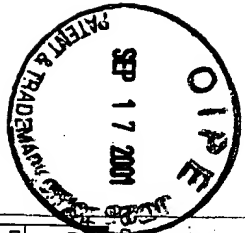
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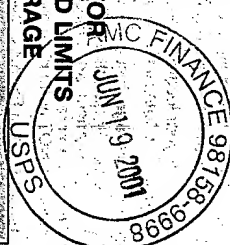
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011.0215.01

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# UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

011.0215.01

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Scott A. Hankins, entitled System And Method For Dynamically Controlling A Rogue Application Through Incremental Bandwidth Restrictions, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.



22895

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Enclosed are:

- (X) Specification; 32 Total Pages.
- (X) Oath or Declaration:
- (X) A Newly Executed Combined Declaration and Power of Attorney:
  - (X) Signed. ( ) Unsigned. ( ) Partially Signed.
- ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
  - ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.
  - ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
- (X) Formal Drawings Transmittal Letter.
- ( ) Associate Power of Attorney.
- ( ) Preliminary Amendment.
- (X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.
- (X) Request and Certification Under 35 USC 122(b)(2)(B)(i)
- ( ) Applicant claims small entity status.
- ( ) Other: \_\_\_\_\_
- (X) Drawing(s); 11 Total Sheets.
- (X) Return Receipt Postcard.
- (X) A Check in the amount of \$1600 for the Filing Fee.
- ( ) Information Disclosure Statement and Form PTO-1449.

| CLAIMS AS FILED                           |           |           |         |            |
|-------------------------------------------|-----------|-----------|---------|------------|
| FOR                                       | NO. FILED | NO. EXTRA | RATE    | FEE        |
| Total Claims                              | 50        | 30        | \$18.00 | \$ 540.00  |
| Independent Claims                        | 4         | 1         | \$80.00 | \$ 80.00   |
| Multiple Dependent Claims (if applicable) |           |           |         | \$270.00   |
| Assignment Recording Fee                  |           |           |         | \$0.00     |
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Charge \$ \_\_\_\_\_ to Deposit Account 501144 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,

By: Patrick J.S. Inouye, Esq., Attorney of Record  
Reg. No. 40297

Date: June 19, 2001

Correspondence Address:

Law Offices of Patrick J.S. Inouye  
810 Third Avenue Suite 258  
Seattle, WA 98104  
Phone: (206) 381-3900  
Fax: (206) 381-3999

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U.S. Patent Application entitled: "System And Method For Dynamically Controlling A Rogue Application Through Incremental Bandwidth Restrictions"

Applicant(s): Hankins

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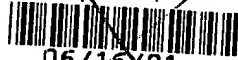
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- ☒ Request and Certification Under 35 USC 122(b)(2)(B)(i)
- ☒ Specification and Abstract: 26 pages (excluding claims)
- ☒ Claims: 6 pages
- ☒ Drawings: 11 pages
- ☒ Formal Drawings Transmittal Letter
- ☒ Other: Postcard

Attorney Docket No.: 011.0215.01  
Date Mailed: June 19, 2001

Attorney: Patrick J.S. Inouye  
Reg. No. 40,297

jc978 U.S. PTO

09/885750



06/16/01

jc978 U.S. PTO

09/885750



06/19/01



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Attorney At Law  
Business Account  
816 SECOND AVENUE P.O. BOX 21808  
SEATTLE, WA 98111-3808

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